

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
N/S private drive, 190' W of Musgrove Rd.		
& approximately 800' S Broadway Rd.	*	ZONING COMMISSIONER
8th Election District		
3rd Councilmanic District	*	OF BALTIMORE COUNTY
(1308 Musgrove Road)		
	*	CASE NO. 02-240-A
Susan & Scott Tilson		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Susan and Scott Tilson. The variance request is for property located at 1308 Musgrove Road in the Lutherville area of Baltimore County. The Petitioners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

10/17/11
R. J. [Signature]

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of January, 2002, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:raj

10/17/01
R. Jameson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

January 17, 2002

Mr. & Mrs. Scott Tilson
1308 Musgrove Road
Lutherville, Maryland 21093

Re: Petition for Administrative Variance
Case No. 02-240-A
Property: 1308 Musgrove Road

Dear Mr. & Mrs. Tilson:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1308 MUSGROVE Rd
which is presently zoned RC-5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 To allow an

accessory structure (pool), to be located in the side yard in lieu of the required rear yard.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form

Property is to be posted and advertised as prescribed by the zoning regulations
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted

Legal Owner(s):

Scott Tilson
Name - Type or Print _____

Scott Tilson
Signature _____

* Susan Tilson
Name - Type or Print _____

Susan Tilson
Signature _____

1308 MUSGROVE Rd 560-6144
Address _____ Telephone No. _____

Lutherville MD 21093
City _____ State _____ Zip Code _____

Representative to be Contacted:

Scott Tilson
Name _____

1308 MUSGROVE Rd 560-6144
Address _____ Telephone No. _____

Lutherville MD 21093
City _____ State _____ Zip Code _____

Zoning Commissioner of Baltimore County

Reviewed By [Signature] Date 12-07-01

Estimated Posting Date 12-16-01

CASE NO. 02-240-A

RECEIVED 9/15/98

ORDERED
Date
By

Affidavit • Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

Address 1308 MUSGROVE Rd
City Lutherville State MD Zip Code 21093

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative variance at the above address (indicate hardship or practical difficulty):

Practical Difficulty.

The house is pushed to rear of lot. Backyard has limited space and slopes uphill. The Backyard is heavily forested with thick brush and large trees.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information

Signature Scott Tilson

Name - Type or Print Scott Tilson

Signature Susan Tilson

Name - Type or Print Susan Tilson

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit.

HEREBY CERTIFY, this _____ day of _____, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

WITNESS my hand and Notarial Seal

Signature Malissa M. Yang

Signature [Signature]
Notary Public

My Commission Expires 2/1/02

The ZONING DESCRIPTION for 1308 MUSGROVE RD

Beginning at a point on the north side a private drive off Musgrove Rd which is 30' wide at a distance of ¹/₉₀ west of the centerline of the nearest improved intersecting street of Musgrove Rd, which is 22' wide. *Being lot # 4, Block --, Section --, in the Subdivision of the Clearings as recorded in Baltimore County Plat Book # 56, Folio # 137 containing 2.0 acres. Also known as 1308 Musgrove Rd and located in the 8th Election District

240

**TIMORE COUNTY, MARYLAND
DEPT. OF BUDGET & FINANCE
SUPPLEMENTAL RECEIPT**

Case No. **08185**
02-240-A

12-07-01 ACCOUNT R-001-006-6150

AMOUNT \$ 50.00

2. Tabincom Pools
Principal Variance Fee
1308 Musgrave Rd.

CASHIER

PINK - AGENCY

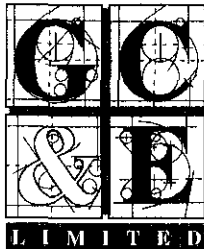
YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
12/07/2001 12/07/2001 11:54:57
REF MS04 CASHIER DOL DRAMER 2
>> RECEIPT # 167404 OFLN
DENT 5 528 ZIMING VERIFICATION
CR NO. 009185

Receipt Tot. 50.00
50.00 TX .00 DA
Baltimore County, Maryland

CASHIER'S VALIDATION



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE # 02-240-A
PETITIONER/DEVELOPER:
Scott Tilson
CLOSING DATE:
December 31, 2001

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: GEORGE ZAHNER

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

LOCATION: 1308 Musgrove Road

DATE: December 17, 2001

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: December 14, 2001

DEC 17 2001

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 02-240-A

Petitioner: Scott Tilson

Address or Location: 1308 Musgrove Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Same

Address: Lutherville md. 21093

Telephone Number: (410) 560-6147

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 02- 240 -AAddress 1308 MUSGROVE Rd.Contact Person: John Sullivan
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 12-07-01Posting Date: 12-16-01Closing Date: 12-31-01

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMATCase Number 02- 240 -AAddress 1308 MUSGROVE Rd.Petitioner's Name Scott TisonTelephone (410) 560-6144Posting Date: 12-16-01Closing Date: 12-31-01

Wording for Sign: To Permit an accessory structure (swimming pool)
to be located in the side yard in lieu of the required
rear yard.

Granted 1/24/02

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt. **DATE:** January 24, 2002

FROM: *RWB* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 7, 2002
Item Nos. 221, 222, 224, 225, 226, 227,
228, 229, 231, 232, 233, 234, 237, 239,
and 240

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

30



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

January 4, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF December 31, 2001

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

221, 222, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234,
235, 236, 237, 238, 239, and 240

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: January 7, 2002

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

JAN - 7

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-229, 02 232 & 02-240

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

Section Chief:

Jeffrey W. Long

AFK/JL:MAC



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 1.2.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. [REDACTED] JJS

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 02-240-A

Date Completed/Initials

12-31-01

PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

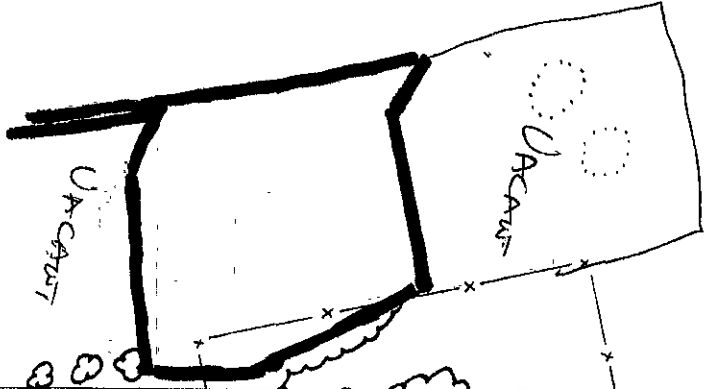
ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

240

Coat House



R.C. 5

MUSGROVE RD.

BROADWAY

DRIVE

MAP # NW 14-D

R.C. 4

ROAD



① Backyard

240



② Backyard

240



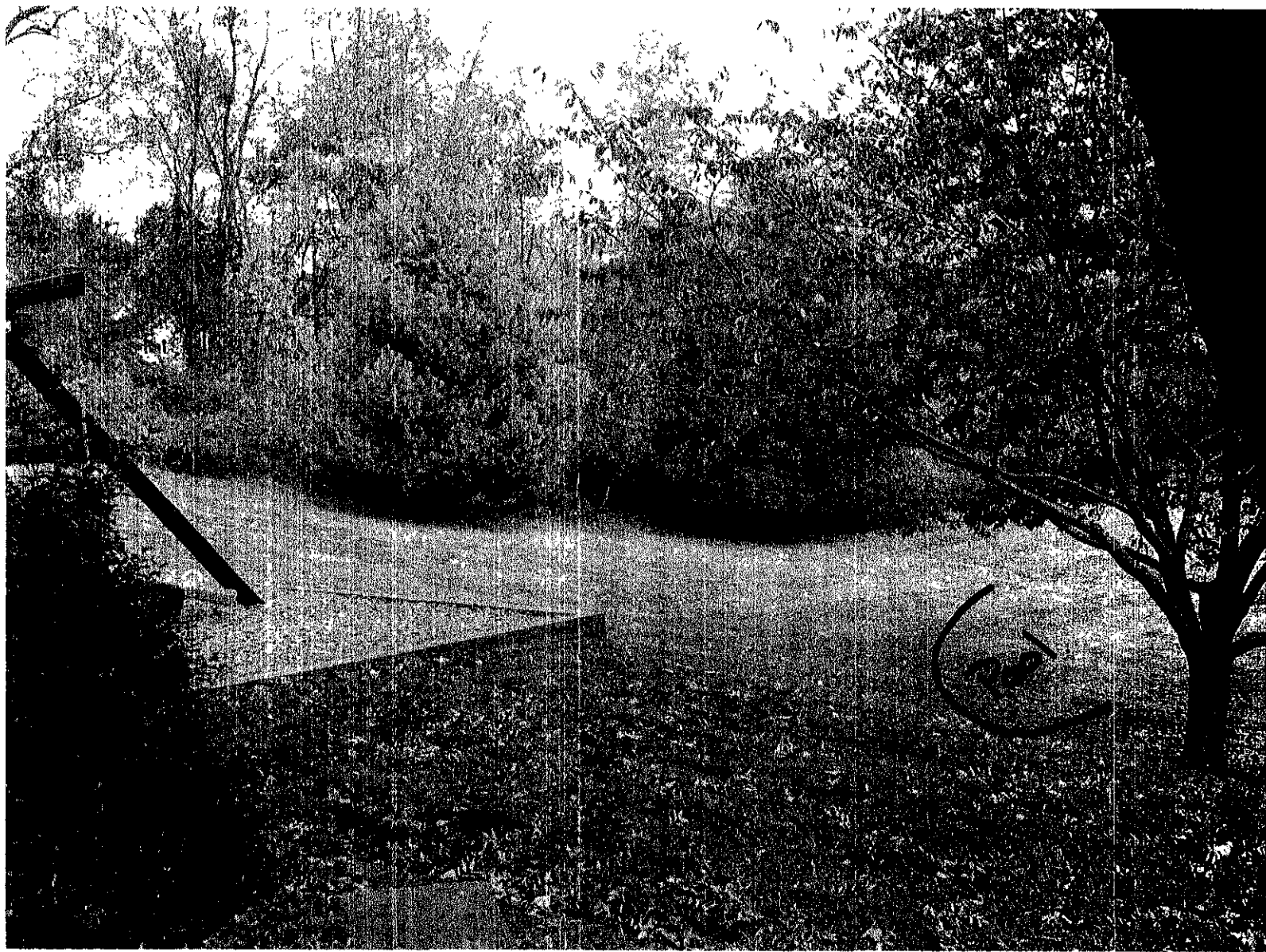
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240



④

240



③

240